

EASTERN DISTRICT OF NEW YORK

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2W PRODUCT CORP. and GUANZHOU LIN,

Plaintiffs,

- against -

Y&P WHOLESALE, INC. and TOMMY HUANG

Defendants.

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VITALIANO, D.J.

DECISION and ORDER

07-cv-0423 (ENV)(RML)

On January 5, 2009, Magistrate Judge Marilyn D. Go issued her Report and Recommendation that plaintiff's motion to strike defendants' answer be granted and default entered against defendants. Neither plaintiff nor defendants have objected to Magistrate Judge Go's Report and Recommendation within the time prescribed by 28 U.S.C. § 636(b)(1) or otherwise.

In reviewing a magistrate judge's Report and Recommendation, this Court "may accept, reject, or modify, in whole or in part, the findings and recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). "To accept the report and recommendation of a magistrate [judge], to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record." Nelson v. Smith, 618 F.Supp. 1186, 1189 (S.D.N.Y. 1985). See also Greene v. Trustees of Columbia University, 234 F.Supp.2d 368, 370-71 (S.D.N.Y. 2002); Pizarro v. Bartlett, 776 F.Supp. 815, 817 (S.D.N.Y. 1991).

The Court finds Magistrate Judge Go's Report and Recommendation as to the striking of defendants' answer and entry of default against them to be correct, well-reasoned, and free of any

clear error. While entry of default is an extreme sanction, defendants, who have ignored several warnings, have displayed precisely the type of contumacious behavior Fed. R. Civ. P. 37(b)(2)(A) was intended to address. The Court therefore adopts the Report and Recommendation in its entirety as the opinion of the Court.

Accordingly, defendants' answer is stricken for failure to obey a laundry list of court orders and a default judgment is entered against them. An inquest to determine relief will be held before Judge Go, at a time to be set by her. Affidavits of service shall be filed before the inquest.

SO ORDERED.

DATED: Brooklyn, New York  
February 20, 2009

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ERIC N. VITALIANO  
United States District Judge